

Remarks

Claims 31 and 64-67 have been canceled, and claims 36, 38, 70, and 74 have been amended, all without prejudice or disclaimer. In particular, the phrase “and wherein said anti-TR17 antibody inhibits B cell proliferation” has been added to claim 36, and the phrase “and wherein said anti-TR17 antibody inhibits immunoglobulin production” has been added to claim 38. Claims 70 and 74 have been amended to correct a clerical error in the preamble to reference “the method” of the independent claim, rather than “the antibody.” The amendments are fully supported by the application as originally filed, and thus no new matter has been added.

As discussed with the Examiner, claims 64-75 appear to have been withdrawn as a result of the clerical error noted above. However, now that this error has been rectified, these are dependent claims directed to the methods of the elected group, and they should be rejoined and examined with independent claims 36 and 38.

Claims 36, 38, and 68-77 are pending. Applicants believe that the present amendments place the claims in condition for allowance, but have requested an interview prior to the first action after the instant Request for Continued Examination to ensure that all remaining issues have been resolved.

I. Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 31, 36 and 38 were previously rejected under 35 U.S.C. § 112, first paragraph for allegedly containing subject matter which was not described in the specification in such a manner as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed had possession of the claimed invention. The Examiner asserted in the Office Action that the claims do not define TR17 by structure or sequence. In the Advisory Action, the Examiner only addressed claim 31, contending that the hypothetical example on page 295 failed “to demonstrate that administration of this antibody could be used to treat Sjogren’s syndrome which is an autoimmune disease with disparate symptoms.”

In response, Applicants respectfully disagree and traverse. Applicants note that claim 31 has been canceled without prejudice or disclaimer, thereby obviating any rejection thereof.

Claims 36 and 38 each require that “said TR17 protein is encoded by a polynucleotide that encodes amino acids 1 to 293 of SEQ ID NO:2.” Unlike the situation in *Noelle v. Lederman*, the antigen in the present case is fully characterized by reference to its encoded sequence. While the Examiner correctly notes that the claims encompass methods of using a genus of antibodies to TR17, these antibodies are also required to inhibit B cell proliferation or immunoglobulin production. Thus, not only is the antigen defined by a specific sequence, the antibodies are also defined by particular functional properties disclosed in the specification.

Since one skilled in the art would have readily recognized that the inventors were in possession of the invention as presently claimed as of the filing date of the application, Applicants respectfully assert that the written description rejection has been obviated. Accordingly, the instant rejection should be reconsidered and withdrawn.

II. Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 31, 36, and 38 (and claims that depend therefrom), alleging that the phrase “anti-TR17 antibody” is indefinite; the Examiner indicated that the phrase “agonistic anti-TR17 antibody” would be acceptable.

In response, claim 31 has been canceled without prejudice or disclaimer, and claims 36 and 38 have been amended to recite the term “agonistic” as requested by the Examiner. Accordingly, Applicants believe that the instant rejection has been obviated and should be reconsidered and withdrawn.

Conclusion


Entry of the above amendment is respectfully solicited. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the allowance of this application, or to schedule the requested interview.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an additional

extension of time under 37 C.F.R. § 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

Dated: April 1, 2005

Respectfully submitted,

By  _____

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